IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

OP.No. 2535 of 2001(B)

PETITIONER:

M.N.GOPALAKRISHNAN NAIR,
BINDER GRADE II,
GOVERNMENT PRESS, VAZHOOR.

BY ADV. SRI.P.K.ABOOBACKER(EDAPPALLY)

RESPONDENTS:
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1. **THE DIRECTOR OF PRINTING &**
   STATIONARY (PRINTING)
   THIRUVANANTHAPURAM.

2. **THE DY. SUPERINTENDENT,**
   GOVERNMENT PRESS, VAZHOOR.

BY GOVERNMENT PLEADER SMT.T.B.RAMANI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.4275/2001 IN OP. NO.2535/2001

DISMISSED

07.06.2007 **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE GOVERNMENT ORDER DT. 17.1.91.

EXT.P2:- COPY OF THE GOVERNMENT ORDER DT. 21.12.95 SHOWING THE STRENGTH OF BINDER GRADE AT VAZHOOR.

EXT.P3:- COPY OF THE GOVERNMENT ORDER DT. 12.11.98.

EXT.P4:- COPY OF THE REPRESENTATION DT. 13.4.2000 FILED BEFORE THE 1ST RESPONDENT.

EXT.P5:- COPY OF THE REPRESENTATION DT. 19.10.2000 FILED BEFORE THE 1ST RESPONDENT.

EXT.P6:- COPY OF THE JUDGMENT DT. 28.10.2000 IN OP. NO.30268/2000.

EXT.P7:- COPY OF THE ORDER DT. 2.12.2000 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P8:- COPY OF THE GOVERNMENT ORDER DT. 30.1.96.

EXT.P9:- COPY OF THE RELEVANT PORTION OF THE GOVERNMENT ORDER DT. 27.4.2000.

EXT.P10:- COPY OF THE PROCEEDINGS NO.42506/97/E6 DT. 15.1.98 ISSUED BY THE 1ST RESPONDENT.

EXT.P11:- COPY OF THE PROCEEDINGS NO.1245/99/E6 DT. 16.9.99 ISSUED BY THE 1ST RESPONDENT.

/TRUE COPY/

tss

Thottathil B. Radhakrishnan, J.

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O.P.No.2535 of 2001

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Dated this the 7th day of June, 2007.

JUDGMENT

Petitioner, then a Binder Gr-II in the Government Press, filed this writ petition in 2001 essentially to ensure that he is not transferred out, if promoted. Though the reliefs sought for are formulated with reference to certain ratio, his ultimate interest is to continue in the same station, on being promoted. The enjoyment of promotion carries with it the right of the employer to post a promoted person at appropriate station as is required, having regard to the exigencies of service. Under such circumstances, a direction to maintain a particular ratio, as sought for by the petitioner in terms of the Government Order in question, cannot be insisted upon to ensure that the petitioner does not get transferred, if promoted.

Having regard to what is aforesaid, this writ petition fails. It is hence dismissed.

Thottathil B.Radhakrishnan,

sl. **Judge.**

Thottathil B. Radhakrishnan, J.

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O.P.No.2535 of 2001
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JUDGMENT

Dated:7-6-2007